



Attorney Docket No.:  
017220.0115

REISSUE PATENT

Express Mail Receipt No. TB57170112XUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No.: \_\_\_\_\_  
Filed: April 19, 1995  
Patent No.: 5,203,267  
Granted: April 20, 1993  
Inventors: Greene et al.  
Assignee: NCE Concepts, Ltd.

HONORABLE COMMISSIONER OF  
PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

Dear Sir:

ASSENT OF ASSIGNEE TO REISSUE

The undersigned, assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying reissue application.

NCE CONCEPTS, LTD.

Date: 4-19-95

By: Michael T. Slataper  
Michael T. Slataper

Title: President of MTS Capital, Inc.  
General Partner

NCE CONCEPTS, LTD.  
2150 Chennault  
Carrollton, Texas 75006



Attorney's Docket 17220-0115  
Express Mail Receipt No. TB57170112XUS

Reissue Application No.:

Filed: April 19, 1995

Serial or Patent No.: 5,203,267

Issued: April 20, 1993

Title: Method and Apparatus for Disposing of Waste Material

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: NCE Concepts, Ltd.  
Address of Small Business Concern: 2150 Chennault, Carrollton, TX 75006

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Method and Apparatus for Disposing of Waste Material by inventor(s) Ralph F. Greene and Patrick C. Malone, Patent No. 5,203,267, issued April 20, 1993, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:  
Title of Person if other than owner:  
Address of Person Signing:

Michael T. Slataper  
President of MTS Capital, Inc., General Partner  
2150 Chennault, Carrollton, TX 75006

Signature:

Michael T. Slataper

Date:

4/19/95



Express Mail Receipt No. TB57170112XUS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Greene et al.

U.S. Patent No.: 5,203,267  
Issued: April 20, 1993  
Filing Date: April 19, 1995  
Title: METHOD AND APPARATUS FOR  
DISPOSING OF WASTE MATERIAL

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

**JOINT REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY**

We, Ralph F. Greene and Patrick C. Malone, hereby declare that:

1. Our residences, post office addresses and citizenship are as stated below next to our names.
2. We believe that we are the original, first and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,203,267 (the '267 Patent) entitled "Method and Apparatus For Disposing of Waste Material," granted on April 20, 1993, and in the foregoing specification for which invention we solicit a reissue patent. ✓
3. We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims. ✓
4. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). ✓

5. We verily believe that the '267 Patent is partly inoperative by reason of our claiming less than we had the right to claim in the patent. The insufficiency of the claims is shown below.

6. We seek to broaden the scope of the independent claims in the reissue application. This request is filed within two years of the date of issue of the '267 Patent as required by 35 U.S.C. § 251.

7. Amendment to Claim 1. Claim 1 has been amended to remove the last element in the claim, which reads:

a liquid filter for capturing said particulate matter contained in said fired exhaust and for chemically treating said fired exhaust gases to reduce the quantity of CO, NO and SO contained in said fired exhaust.

(Hereinafter the liquid filter element.)

8. The liquid filter element in Claim 1 is not required to define a waste disposal apparatus that is patentable over the prior art to the '267 Patent. Claim 1, as amended, includes "a first combustion chamber for incinerating waste material in an oxygen rich atmosphere . . ." and "a second combustion chamber for firing said exhaust . . . in an oxygen starved atmosphere[.]" The prior art to the '267 Patent and the references in the Information Disclosure Statement filed herewith do not disclose, suggest, or render obvious the waste disposal apparatus in Claim 1. Prior art disposal systems use a first combustion chamber having an oxygen starved atmosphere and a second combustion chamber having an oxygen rich atmosphere that is the exact opposite of our novel waste disposal apparatus. Our invention of using an oxygen rich atmosphere in the first chamber allows for a rapid and more complete burn of the waste material than provided for in prior art systems.

9. During prosecution of the '267 Patent, the Examiner stated that the oxygen rich and deficient combustion stages of our then pending claims were well known in the art. We are not aware of any reference that teaches our claimed structure nor did the Examiner ever provide us with a reference to support this assertion.

10. During prosecution of the claims in the '267 patent, we mistakenly believed that the liquid filter element, in combination with the first and second combustion chamber in Claim 1, was necessary to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion chamber and an oxygen starved second combustion chamber as defined in proposed Claim 1. The liquid filter element in Claim 1, therefore, is not required to define patentable subject matter. This misunderstanding on the patentability on the remaining elements in Claim 1 arose without any deceptive intention on our part and arose because we failed to appreciate that the claims did not embrace the full scope of our invention.

11. New Claim 19. New Claim 19 contains the subject matter of the liquid filter element of Claim 1 written in dependent form.

12. Amendment to Claims 11, 12, 13, 14, and 18. Claims 11, 12, 13, and 18 are amended to change their dependency from Claim 1 to new Claim 19. Since the liquid filter element in Claim 1 is removed from Claim 1 and placed in new Claim 19, Claims 11, 12, 13, 14, and 18 are amended to maintain proper claim dependency.

13. Amendment to Claim 15. Claim 15 has been amended to remove the last element in the claim which reads:

liquid filter means for capturing said particulate matter contained in said fired exhaust for chemically treating fired exhaust gases to reduce CO, NO, and HCL and SO<sub>2</sub> contained in said fired exhaust.

(Hereinafter the liquid filter means element.)

14. The amendment to Claim 15 is similar to the amendment to Claim 1. The remaining elements in Claim 15 are patentable over the prior art as the prior art does not disclose a waste disposal system having an oxygen rich first combustion means and an oxygen poor second combustion means. During prosecution of the application for the '267 Patent, we mistakenly believed that the liquid filter means element, in combination with the first and second combustion means in

Claim 15, was required to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion means and an oxygen starved second combustion means as defined in proposed Claim 15. The liquid filter means element in Claim 15, therefore, is not required to define patentable subject matter. This mistake as to the patentability of the remaining elements in Claim 15 arose without deceptive intention on our part and arose because we failed to appreciate that the claims did not embrace the full scope of our invention.

15. New claim 20. New Claim 20 includes the subject matter of the liquid filter means element of Claim 15 written in dependent form.

16. We hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Jerry W. Mills	Reg. No. <u>23,005</u>
Robert M. Chiaviello, Jr.	Reg. No. <u>32,461</u>
Ann C. Livingston	Reg. No. <u>32,479</u>
Kevin J. Meek	Reg. No. <u>33,738</u>
William N. Hulsey III	Reg. No. <u>33,402</u>
Thomas R. Felger	Reg. No. <u>28,842</u>
Dennis W. Braswell	Reg. No. <u>35,831</u>
Charles S. Fish	Reg. No. <u>35,870</u>
Thomas A. Gigliotti	Reg. No. <u>37,579</u>
Richard J. Moura	Reg. No. <u>34,883</u>
Robert H. Johnston III	Reg. No. <u>37,364</u>
Anthony E. Peterman	Reg. No. <u>38,270</u>
Barton E. Showalter	Reg. No. <u>38,302</u>
David G. Wille	Reg. No. <u>38,363</u>
Rodger L. Tate	Reg. No. <u>27,399</u>
Scott F. Partridge	Reg. No. <u>28,142</u>
James G. Gatto	Reg. No. <u>32,694</u>

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16. All correspondence and telephone communications should be addressed to Baker & Botts, L.L.P., 2001 Ross Avenue, Dallas, Texas 75201-2980, telephone number (214) 953-6500, which is also the address and telephone number for each of the above-listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4-19-95  
Date

2-00 By: Patrick C. Malone  
Patrick C. Malone

RESIDENCE:

42924 Brandenburg Lane  
The Colony, Denton County,  
Texas TX

CITIZENSHIP:

United States of America

POST OFFICE ADDRESS:

Same

\_\_\_\_\_  
Date

By: Ralph M. Greene 100 Jap

RESIDENCE:

777 Custer Road, #3-3  
Richardson, Dallas County,  
Texas TX

CITIZENSHIP:

United States of America

POST OFFICE ADDRESS:

Same



**THOMPSON & HOWISON, L.L.P.**

ATTORNEYS AT LAW  
PATENT AND TRADEMARK MATTERS

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DANIEL V. THOMPSON  
GREGORY M. HOWISON  
JOE H. SHALLENBURGER

Telephone (214) 479-0450  
Facsimile (214) 479-0215

May 17, 1995

Thomas A. Gigliotti, Esquire  
Baker & Botts, L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

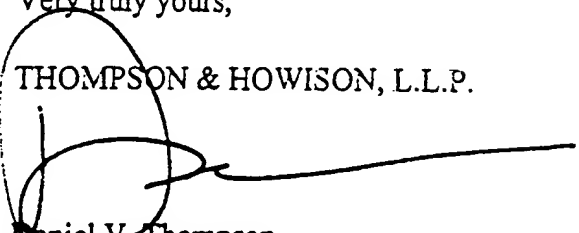
Re: Reissue Application - U.S. Patent No. 5,203,267  
Our File: A-15538 - Your Ref: 017220.0115

Dear Mr. Gigliotti:

I have reviewed the proposed reissue application Declaration with Mr. Greene, and he has declined to sign it.

Very truly yours,

THOMPSON & HOWISON, L.L.P.

  
Daniel V. Thompson

DVT/cgm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Greene, et al.  
Patent No.: 5,203,267  
Reissue Application No.: 08/425,766  
Filing Date: April 19, 1995  
Title: METHOD AND APPARATUS FOR DISPOSING OF  
WASTE MATERIAL

Honorable Commissioner of  
Patent and Trademarks  
Washington, D.C. 20231

I hereby certify that this  
correspondence is being deposited  
with the United States Postal Service  
as first class mail in an envelope  
addressed to: Commissioner of Patents  
and Trademarks, Washington, D.C.  
20231, on the date shown below.

Judy Baggett  
6/16/95  
Date

Dear Sir:

DECLARATION PURSUANT TO UNDER 37 CFR. § 1.47

I am a patent attorney employed with Baker & Botts, L.L.P., which on behalf of the identified inventors, Mr. Ralph F. Greene and Mr. Patrick C. Malone, and the assignee of U.S. Patent 5,203,267, NCE Concepts, Ltd., filed the above-identified Reissue Application on April 19, 1995. This application was filed without Mr. Greene's signature on the Declaration required by 37 CFR §1.68 because Mr. Greene refuses to execute the required Declaration.

On April 14, 1995, I sent a letter to Mr. Greene's home requesting that he contact me to discuss his execution of the Declaration for this Reissue Application. Mr. Greene responded that

he would not execute the Declaration as required by my April 19th deadline, and that I was instead to transmit the Reissue Application and Declaration to his patent attorney, Mr. Daniel V. Thompson, Thompson & Howison, L.L.P., Highpoint Centre, 12225 Greenville, Avenue, Suite 995, Dallas, Texas 75243.

On April 26, 1995, I forwarded the Reissue Application and Declaration for Mr. Greene's signature to Mr. Thompson. Subsequently, I have received the attached May 17, 1995 letter from Mr. Thompson that indicates that Mr. Greene refuses to sign the Declaration for this Reissue Application.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such wilful false statement may jeopardize the validity of the reissue patent.

Respectfully submitted,

BAKER & BOTTS, L.L.P.

Attorney for Applicants



Thomas A. Gigliotti  
Reg. No. 37,579

2001 Ross Avenue  
Dallas, Texas 75201-2980  
(214) 953-6561

Date: June 9, 1995

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Greene, et al.  
Patent No.: 5,203,267  
Reissue Application No.: 08/425,766  
Filing Date: April 19, 1995  
Title: METHOD AND APPARATUS FOR  
DISPOSING OF WASTE MATERIAL

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

**JOINT REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY**

We, Ralph F. Greene and Patrick C. Malone, hereby declare that:

1. Our residences, post office addresses, and citizenship are as stated below next to our names.

2. We have reviewed and understand the contents of the above identified specification, including the claims.

3. We believe that we are the original, first, and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,203,267 ("the '267 Patent"), entitled "Method and Apparatus For Disposing of Waste Material,"

granted on April 20, 1993, and in the foregoing specification for which invention we solicit a reissue patent.

4. We acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

5. We verily believe that the '267 Patent is partly inoperative by reason of our claiming less than we had the right to claim in the patent. The insufficiency of the claims is shown below.

6. We seek to broaden the scope of the independent claims in the reissue application. This request is filed within two years of the date of issue of the '267 Patent as required by 35 U.S.C. § 251.

7. Amendment of Claim 1. Claim 1 has been amended to remove the last element of the claim, which reads:

a liquid filter for capturing said particulate matter contained in said fired exhaust and for chemically treating said fired exhaust gases to reduce the quantity of CO, NO and SO contained in said fired exhaust.

(Hereinafter "the liquid filter element")

8. The liquid filter element in Claim 1 of the '267 Patent is not required to define a waste disposal apparatus that is patentable over the prior art. Claim 1, as amended, includes "a first combustion chamber for incinerating waste material in an oxygen rich atmosphere" and "a second combustion chamber for firing said exhaust . . . in an oxygen starved atmosphere." The references cited during prosecution of the '267 Patent and the references disclosed in the Information Disclosure Statement filed July 20, 1995 do not disclose, teach, or suggest the waste disposal apparatus recited in Claim 1, as amended. Prior art disposal systems use a first combustion chamber having an oxygen starved atmosphere and a second combustion chamber having an

oxygen rich atmosphere that is the exact opposite of our novel waste disposal apparatus. Our invention of using an oxygen rich atmosphere in the first chamber allows for a rapid and more complete burn of the waste material than provided for in prior art systems.

9. During prosecution of the '267 Patent, the Examiner stated that the oxygen rich and deficient combustion stages of our then pending claims were well known in the art. We are not aware of any reference that discloses, teaches, or suggests the waste disposal apparatus recited in Claim 1, as amended, nor did the Examiner ever provide us with a reference to support this assertion.

10. During prosecution of the '267 Patent, we mistakenly believed that the liquid filter element, in combination with the first and second combustion chamber recited in Claim 1 of the '267 Patent, was necessary to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion chamber and an oxygen starved second combustion chamber as recited in Claim 1, as amended. The liquid filter element that has been removed from Claim 1, as amended, is not required to define patentable subject matter.

11. This misunderstanding as to the scope of our invention was discovered at a meeting inventor Patrick C. Malone called with NCE executives and our patent counsel, Robert M. Chiaviello, Jr., on February 2, 1995, during which we reviewed the claims of the '267 Patent in connection with a possible infringement matter brought to our attention. In a review of those claims it was recognized that all of the claims had a limitation to a liquid filter. It was determined that, based on the original disclosure of our invention and Mr. Malone's personal understanding of the

invention, a liquid filter was not necessary to practice the invention or define patentable subject matter. On that basis, it became clear to Mr. Malone that the claims of the '267 Patent were partially inoperative to the extent that they claimed less than we had a right to claim. This misunderstanding as to the scope of our invention arose without any deceptive intention on our part and arose because we failed to appreciate that Claim 1 of the '267 Patent did not embrace the full scope of our invention, as discussed above.

12. New Claim 19. New Claim 19 contains the subject matter of the liquid filter element of Claim 1 of the '267 Patent written in dependent form. No new matter has been added. New Claim 19 recites "The waste disposal apparatus of claim 1 further comprising a liquid filter for capturing said particulate matter contained in said fired exhaust and for chemically treating said fired exhaust gasses to reduce the quantity of CO, NO and SO contained in said fired exhaust."

As discussed above, the subject matter of new Claim 19 was removed from issued Claim 1 to allow Claim 1, as amended, to embrace the full scope of our invention. However, the subject matter removed from issued Claim 1 is an important feature of our invention being claimed, in this case in a dependent claim, to prevent the claims as a whole from being partially inoperative to the extent that they fail to claim subject matter for which we are entitled to patent protection. The misunderstanding as to the scope of our invention, making necessary the amendment of issued Claim 1 and the consequent need to include the subject matter removed from issued Claim 1 in new Claim 19, arose in the manner discussed above without any deceptive intention on our part and because we failed to appreciate that Claim 1 of the '267 Patent did not embrace the full scope of our invention.

13. Amendment to Claims 11, 12, 13, 14, and 18. Claims 11, 12, 13, and 18 are amended to depend from new Claim 19 rather than from Claim 1. Since the liquid filter element has been removed from Claim 1 and placed in new Claim 19, Claims 11, 12, 13, 14, and 18 are amended to maintain proper claim dependency. Amended Claims 11, 12, 13, 14, and 18 are therefore identical in scope to issued Claims 11, 12, 13, 14, and 18.

14. Amendment to Claim 15. Claim 15 has been amended to remove the last element in the claim which reads:

liquid filter means for capturing said particulate matter contained in said fired exhaust for chemically treating fired exhaust gases to reduce CO, NO, and HCL and SO<sub>2</sub> contained in said fired exhaust.

(Hereinafter the liquid filter means element.)

15. The amendment to issued Claim 15 is similar to the amendment to issued Claim 1 discussed above. The remaining elements in Claim 15 are patentable over the prior art as the prior art does not disclose a waste disposal system having an oxygen rich first combustion means and an oxygen poor second combustion means. During prosecution of the '267 Patent, we mistakenly believed that the liquid filter means element, in combination with the first and second combustion means recited in Claim 15, was required to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion means and an oxygen starved second combustion means as recited in issued Claim 15 and in Claim 15, as amended. The liquid filter means element recited in issued Claim 15 is not required to define patentable subject matter.

16. As discussed above, this misunderstanding as to the scope of our invention was discovered at a meeting inventor



Patrick C. Malone called with NCE executives and our patent counsel, Robert M. Chiaviello, Jr., on February 2, 1995, during which we reviewed the claims of the '267 Patent in connection with a possible infringement matter brought to our attention. In a review of those claims it was recognized that all of the claims had a limitation to a liquid filter. It was determined that, based on the original disclosure of our invention and Mr. Malone's personal understanding of the invention, a liquid filter was not necessary to practice the invention or define patentable subject matter. On that basis, it became clear to Mr. Malone that the claims of the '267 Patent were partially inoperative to the extent that they claimed less than we had a right to claim. This misunderstanding as to the scope of our invention arose without any deceptive intention on our part and arose because we failed to appreciate that Claim 15 of the '267 Patent did not embrace the full scope of our invention.

17. New claim 20. New Claim 20 includes the subject matter of the liquid filter means element of Claim 15 of the '267 Patent written in dependent form. No new matter has been added. New Claim 20 recites "The waste disposal system of claim 15 further comprising a liquid filter means for capturing said particulate matter contained in said fired exhaust and for chemically treating said fired exhaust gasses to reduce CO, NO, HCL and SO<sub>2</sub> contained in said fired exhaust."

As discussed above, the subject matter of new Claim 20 was removed from issued Claim 15 to allow Claim 15, as amended, to embrace the full scope of our invention. However, the subject matter removed from issued Claim 15 is an important feature of our invention being claimed, in this case in a dependent claim, to prevent the claims as a whole from being partially inoperative to the extent that they fail to claim subject matter for which

we are entitled to patent protection. The misunderstanding as to the scope of our invention, making necessary the amendment of issued Claim 15 and the consequent need to include the subject matter removed from issued Claim 15 in new Claim 20, arose in the manner discussed above without any deceptive intention on our part and because we failed to appreciate that Claim 15 of the '267 Patent did not embrace the full scope of our invention.

18. We hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Jerry W. Mills	Reg. No. 23,005
Ann C. Livingston	Reg. No. 32,479
William N. Hulsey III	Reg. No. 33,402
Anthony E. Peterman	Reg. No. 38,270
Robert M. Chiaviello, Jr.	Reg. No. 32,461
Thomas R. Felger	Reg. No. 28,842
Charles S. Fish	Reg. No. 35,870
Robert H. Johnston III	Reg. No. 37,364
Wei Wei Jeang	Reg. No. 33,305
Christopher W. Kennerly	Reg. No. 40,675
Kevin J. Meek	Reg. No. 33,738
Christopher J. Rourk	Reg. No. 39,348
Barton E. Showalter	Reg. No. 38,302
Terry J. Stalford	Reg. No. 39,522
Daniel P. Stewart	Reg. No. 41,332
David G. Wille	Reg. No. 38,363
Bradley P. Williams	Reg. No. 40,227
Philip W. Woo	Reg. No. 39,880
Roger J. Fulghum	Reg. No. 39,678
Rodger L. Tate	Reg. No. 27,399
Scott F. Partridge	Reg. No. 28,142
James B. Arpin	Reg. No. 33,470
James Remenick	Reg. No. 36,902
Jay B. Johnson	Reg. No. 38,193
Christopher C. Campbell	Reg. No. 37,291
Stacy B. Margolies	Reg. No. 39,760

19. All correspondence and telephone communications should be addressed to Baker & Botts, L.L.P., 2001 Ross Avenue, Dallas, Texas 75201-2980, telephone number (214) 953-6500, which is also the address and telephone number for each of the above-listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10-1-97  
Date

RESIDENCE:

CITIZENSHIP:

POST OFFICE ADDRESS:

Patrick C. Malone  
Patrick C. Malone

42924 Brandenburg Lane  
The Colony, Denton County,  
Texas

United States of America

Same

10/8/97  
Date

By: George D. Senn  
George D. Senn

Secretary,  
NCE Corporation

on behalf of: Ralph M. Greene

RESIDENCE:

777 Custer Road, #3-3  
Richardson, Dallas County,  
Texas

CITIZENSHIP:

United States of America

POST OFFICE ADDRESS:

Same